



RUMPKE OF INDIANA, LLC F006 WASTEWATER TREATMENT SLUDGE DELISTING

LSA Document #09-206

Overview

Adds 329 IAC 3.1-6-9 to conditionally exclude from regulation under 329 IAC 3.1 (delist) wastewater treatment sludge from electroplating operations, hazardous waste code F006, that was generated by Rumpke of Indiana, LLC and placed in a corrective action management unit (CAMU) constructed adjacent to Medora Sanitary Landfill, Medora, Indiana. This board preliminarily adopted this rule on July 21, 2009; no changes have been made to the preliminarily adopted rule.

Citations Affected

329 IAC 3.1-6-9.

Authority

IC 13-22-2-3(d).

Affected Persons

Rumpke of Indiana, LLC.

Reason or Reasons for the Rule

This rule was requested by Rumpke of Indiana, LLC in accordance with 329 IAC 3.1-5-2 and 329 IAC 3.1-5-3.

Economic Impact of the Rule

This rulemaking is estimated to result in an annual cost savings of approximately \$250,000 to Rumpke, resulting from reduced costs of managing leachate produced by the CAMU. This is based on information provided by Rumpke.

Benefits of the Rule

This rule will significantly reduce Rumpke's costs while providing for safe storage and management of leachate.

Description of the Rulemaking Project

This rule would conditionally exclude from regulation under 329 IAC 3.1 (delist) wastewater treatment sludge from electroplating operations, waste code F006, generated by Rumpke of Indiana, LLC. "Delisting" is the process of excluding a hazardous waste that is listed in 40 CFR 261, Subpart D, from regulation as hazardous waste if the generator can show that the waste no longer meets the criteria for which it was listed as a hazardous waste, and that it will not exhibit a hazardous waste characteristic. Once delisted, the waste may be disposed of in a solid waste land disposal facility permitted under 329 IAC 10. Indiana

received EPA authorization for delisting of hazardous waste on January 4, 2001.

Scheduled Hearings

First Public Hearing: July 21, 2009.

Second Public Hearing: November 17, 2009.

Consideration of Factors Outlined in Indiana Code 13-14-8-4

Indiana Code 13-14-8-4 requires that in adopting rules and establishing standards, the board shall take into account the following:

- 1) All existing physical conditions and the character of the area affected.
- 2) Past, present, and probable future uses of the area, including the character of the uses of surrounding areas.
- 3) Zoning classifications.
- 4) The nature of the existing air quality or existing water quality, as appropriate.
- 5) Technical feasibility, including the quality conditions that could reasonably be achieved through coordinated control of all factors affecting the quality.
- 6) Economic reasonableness of measuring or reducing any particular type of pollution.
- (7) The right of all persons to an environment sufficiently uncontaminated as not to be injurious to:
 - (A) human, plant, animal, or aquatic life; or
 - (B) the reasonable enjoyment of life and property.

Consistency with Federal Requirements

This rule is consistent with the federal hazardous waste program at 40 CFR 260 through 40 CFR 279.

IC 13-14-9-7 Rulemaking Process

The first step in this rulemaking process is a findings and determination notice published in the *Indiana Register*. This notice includes a discussion of issues, the proposed rule, and opens a first comment period. The Solid Waste Management Board holds the first public hearing and public comments are heard. The proposed rule is published in the *Indiana Register* after preliminary adoption along with a notice of second public hearing. If the proposed rule is substantively different from the draft rule, a third comment period is required. The second public hearing is held and public comments are again heard. Once final adoption occurs, the rule must be approved by the Indiana Attorney General and the Governor. If approved, the rule becomes effective 30 days after filing with the *Indiana Register*.

